

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**ANDREW HERNANDEZ**

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§

**CASE NO. 5:22cr11**

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-styled matter was referred to the Honorable J. Boone Baxter, United States Magistrate Judge, for administration of a guilty plea under Rule 11 of the Federal Rules of Criminal Procedure. Judge Baxter conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued a Report and Recommendation (Docket No. 44). Judge Baxter recommended that the Court accept Defendant's guilty plea and conditionally approve the plea agreement. He further recommended that the Court finally adjudge Defendant as guilty of Count 1 of the Information. Count 1 of the Information charges violation of 18 U.S.C. § 113(a)(5), simple assault. The Court is of the opinion that the Report and Recommendation should be accepted. It is accordingly **ORDERED** that the Report and Recommendation of the United States Magistrate Judge (Docket No. 44) is **ADOPTED**. It is further

**ORDERED** that the Defendant's guilty plea is accepted and approved by the Court. Further, the plea agreement is approved by the Court, conditioned upon a review of the presentence report. It is finally

**ORDERED** that, pursuant to the Defendant's amended plea agreement, the Court finds the Defendant **GUILTY** of Count 1 of the Information in the above-numbered cause and enters a **JUDGMENT OF GUILTY** against the Defendant as to Count 1 of the Information.

**So ORDERED and SIGNED this 29th day of August, 2023.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE